



**U.S. DEPARTMENT OF TRANSPORTATION**

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

980 Ninth Street, Suite 400

Sacramento, CA. 95814-2724

September 10, 2003

IN REPLY REFER TO

HDA-CA

Document #: S43727

Mr. Jeff Morales, Director  
California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Attention: Kris Balaji, Transportation Programming

Dear Mr. Morales:

SUBJECT: Merced County Association of Governments (MCAG) Amendment No. 7 to the  
2002/03-2004/05 Federal Transportation Improvement Program (FTIP)

We have completed our review of Amendment No. 7 to MCAG's 2002/03-2004/05 Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated July 28, 2003. MCAG adopted this amendment via a Minute Order Resolution on April 17, 2003.

This amendment was requested by MCAG to provide additional CMAQ funding of an existing non-transit project. We accept this amendment in accordance with the provisions of 23 CFR Part 450. We find that this amendment was developed through a continuing, cooperative, and comprehensive transportation planning process carried out in accordance with the provisions of 23 U.S.C. section 134, and as applicable, section 8 of the Federal Transit Act (49 U.S.C. app. §1607).

Based on our review, the changes proposed to the 2002/03 FSTIP require no new regional emissions analysis for a conformity determination because projects included in this amendment are the type of projects listed in 40 CFR 93.126 or 93.127 as being exempt from regional emissions analysis requirements. We find that FTIP Amendment No. 7 conforms to the applicable State Implementation Plan (SIP) in accordance with the provisions of 40 CFR Parts 51 and 93 and in accordance with January 2, 2002, guidance *Revised Guidance for Implementing the March 1999 Circuit Court Decision Affecting Transportation Conformity* and the Environmental Protection Agency's May 14, 1999, guidance *Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision*. This finding has been coordinated with the Region IX office of the Environmental Protection Agency (EPA).

This amendment has been coordinated with the Region Nine office of the Federal Transit Administration (FTA) and is approved in accordance with the procedures outlined in the FHWA/FTA Memorandum of Understanding, dated March 8, 1996, on single mode FTIP amendments. This letter also constitutes approval and inclusion of MCAG's FTIP Amendment No. 7 into California's 2002/03 – 2004/05 Federal Statewide Transportation Improvement Program (FSTIP).

Sincerely,

For

Gary N. Hamby

Division Administrator